

REMARKS

This Amendment is in response to the Final Office Action mailed May 25, 2007. Applicants respectfully request reconsideration of the present application. No claims have been amended, added, or cancelled. Therefore, claims 33-36, 41-49, 54-57, and 59-71 are presented for reconsideration.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 33-36, 41-49, 54-57 and 59-62 under 35 U.S.C. § 102(e) as being anticipated by Anderson (U.S. 6,636,259). Applicants respectfully disagree.

The Examiner states that Anderson teaches “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device” (*See* Final Office Action, mailed May 25, 2007, pages 5-6).

In particular, the Examiner states that Anderson discloses a gateway server in communication with cameras during the uploading of digital image. Further, Examiner asserts that because “gateway server, 18, is the first element in connection with the memory of the camera, 82a, through the internet all digital images are uploaded must be temporarily saved in the gateway server, 18, till full upload is completed before they are transferred to the database, 20, of the photo-sharing server” (Final Office Action, mailed May 25, 2007, page 2). The Examiner concludes that therefore, Anderson teaches the “buffered image storage module” claimed by the Applicants. However, the Applicants submit that the Examiner is interpreting Anderson beyond the bounds of the reference.

The Applicants agree with the Examiner that a gateway server is taught by Anderson, and that uploaded images are stored in databases of a photo-sharing service. Nonetheless, nothing in Anderson teaches or even suggests that the gateway server includes the features of the “buffered image storage module” as claimed by the Applicants.

The gateway server, 18, of Anderson is taught as receiving entity identification data for digital images that are to be uploaded to a photo-sharing service. The gateway server then matches the entity IDs with an account in the database 20. Images may then be uploaded to the corresponding account in the database, 20 (*See* Anderson, Figure 4A-4B). Furthermore, Anderson teaches that the gateway server, 18, is the interface between users/cameras and photo-sharing websites (*See* Anderson, column 7, line 62 to column 8, line 19).

At no point does Anderson teach that gateway server, 18, includes storage of any kind, or holds image data in any persistent manner. Rather, the gateway server is continually taught as matching entity/user account information with account information stored in a database 20 of the photo-sharing service. The only image storage taught by Anderson resides in database 20 and database 49. At most, the gateway server taught by Anderson verifies account received account information and mediates communication between backend photo-sharing server components (i.e., databases 20 and 49) and digital cameras over a network.

The Examiner concludes, however, that because the gateway server 18 is the first element of photo-sharing service 20, that is in contact with a user/camera and therefore the gateway server 18 must temporarily store images. There is simply no indication or teaching within the reference itself that the gateway server 18 of Anderson provides any storage for photo-sharing service, 16. Furthermore, the Applicants do not understand why being a first element in contact with a network would lead the Examiner to believe that the element has any storage, let alone “a

buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device”.

In fact, the concept of temporary image storage is completely absent from Anderson. The Examiner states that “Apparently, the uploading and temporary storing process is happened prior the account information is received and validated and prior to associating the digital images with a particular cellular phone device” (Final Office Action, mailed 5/25/07, page 3). However, Applicants respectfully submit that the Examiner’s conclusion is not supported by the teachings of Anderson, which explicitly recite and illustrate the opposite. As clearly illustrated and discussed by Anderson, only after camera information and account information is received and verified (Anderson, Figure 4A-4B, elements 114-128) does Anderson upload user images (Anderson, Figure 4B, element 132). Therefore, to interpret Anderson as asserted by the Examiner would be contrary to the explicit teachings of Anderson.

Thus, Anderson must fail to teach or suggest “a buffered image storage module to temporarily store the digital images during uploading prior to determining the pre-provisioned user account associated with the unique device ID, and prior to associating the digital images with a particular cellular phone device,” as claimed. Therefore, Anderson fails to anticipate claims 33-36 and 41-49.

With respect to claim 54, the Applicants claim:

An apparatus for automating activation of a user account associated with a user-operated device, comprising:
a Web site to host user data transferred by the user-operated device;
a transport mechanism to enable uploading of the user data from the user-operated device to a user account at the Web site, the user account being pre-provisioned for the user-operated device;

- a module for automatically associating the user data uploaded to the Web site with the pre-provisioned user account based on a unique device ID of the transport mechanism, and thereafter providing on-line access to the user data, such that the user need not manually establish the user account at the Web site;
- an identification module to determine if the data transferred by the user-operated device is from a valid type of user-operated device; and
- a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID.

As noted above, Anderson fails to teach or suggest a gateway server temporarily storing digital pictures while a user account is created or verified. In fact, Anderson requires that the user account be created or verified prior to permitting the uploading of digital pictures. (Anderson, Figure 2; Column 7, line 62 to Column 8, line 4; Column 11, lines 20-27). Only after the gateway of Anderson matches account information within a database, does it permit uploading digital photographs to a storage database (Anderson, Figures 4A-4B). Thus Anderson fails to teach or suggest "a buffer to temporarily store the user data prior to determining the user account associated with the unique device ID," as claimed by the Applicants in claims 54-57 and 59-60, and fails to anticipate claims 54-57 and 59-60.

With respect to claim 61, the Applicants claim:

- A system to enable automatic provisioning of a new user account comprising:
 - a receiving logic to receive data from a peripheral device, coupled to a digital camera, having a unique device ID, the data destined for storage on a repository on the system;
 - an account management module to automatically establish a user account, including creating a user identifier (ID) based, at least in part, on said unique device ID assigned to the peripheral device;
 - a media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID;
- such that an account is automatically created for the owner of the peripheral device, without requiring the user to first set up a user account, or any additional information to be stored on the peripheral device; and
- a module allowing a user to specify a user name and password for the user account that has been automatically established, wherein online access to

the data is predicated upon user input of the user specified user name and password.

As discussed above, Anderson teaches uploading data to a database only after account information for a digital camera is received and verified (Anderson, Figures 4A-4B). Claim 61, as amended, recites in part “a media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID” (Emphasis Added). Because Anderson explicitly recites that the system establishes and verifies user accounts before permitting uploading of the images to a photo-sharing service, Anderson must fail to describe or suggest the “media gateway to associate the data with said user ID, wherein the media gateway includes a buffer to temporarily store the data prior to establishing the user account associated with the unique device ID” as claimed in claims 61 and 62. Therefore, claims 61 and 62 are not anticipated by Anderson under 35 U.S.C. § 102, and the Applicants respectfully request withdrawal of the rejections.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 33-36, 41-49, 54-57 and 59-62 under 35 U.S.C. § 102(e) as being anticipated by Anderson.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 63-71 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Yeh (U.S. 6,993,497).

Yeh describes systems and methods for an over the internet telephone reminder service (Yeh, Abstract). A user must log onto a web site and subscribe to the services of Yeh (Yeh, Column 4, lines 46-58). However, in all instances before a person can use the services described in Yeh, they must log into a website and proactively register for an account.

Claim 63 recites:

A method facilitating uploading of user data from a user-operated device, the method comprising:
receiving a transfer request from a cellular phone having a unique device ID, to transfer data to a Web site from the user-operated device;
determining if there is a user account associated with the unique device ID, and if so, associating the user data with the user account;
if there is no user account associated with the unique device ID, establishing a user account automatically at the particular Web site, including creating a user identifier (ID) based, at least in part, on said unique device; and
upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account.

The Examiner stated that Anderson fails to describe “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account” (*See* Office Action, mailed January 23, 2007, page 14). However, the Examiner cites Yeh as teaching this limitation, stating “Figure 4 of Yeh clearly shows a step (122), which allow the subscribe log on the website. The step (122) specifically requires a first user request to enter username and password” (Final Office Action, mailed 5/25/07, page 4). In the passage cited by the Examiner, Yeh recites:

At step 120, a subscriber (who has already subscribed by performing the steps of FIG. 3) logs on to the addressable website corresponding to server 20, as previously described. At step 122, the subscriber enters his or her username and password. By entering the username and password, the system of the present invention can access the demographic data that was previously entered by the subscriber, as at step 102 of FIG. 3. This data is stored in database 22 and, as previously described, is utilized to customize marketing messages to be received by subscribers. Additionally, by entering his or her username and password, the subscriber is directed to his or her personal webpage, as was previously described in step 108 of FIG. 3. Once on the personal webpage, the subscriber selects the wake-up/reminder call function of the system, preferably by clicking a hypertext link that directs the subscriber to a user-interface like the one shown in FIG. 5.

(Emphasis Added)

As explicitly recited in Yeh, prior to accessing a personal web page or accessing data on a web page, a person must have “already subscribed” (Yeh, Figures 3 and 4). Furthermore, only after a person has become a subscriber is a phone number and/or website associated with that person such that the person may make requests for data (Yeh, Figure 3). As such, the required prior subscription recited in Yeh is exactly the opposite as “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account,” because the user login and password claimed by the Applicants is created “upon a first user request for data from the website,” and not during a prior subscription interaction. Thus, Yeh also fails to describe or suggest that “upon a first user request for data from the website, receiving the entry of a user defined login and password for providing access to data on the Website, and associating the user defined login and password with the user account” as claimed by the Applicants.

Applicants submit that Anderson and Yeh, alone or in combination fail to teach or suggest each and every limitation claimed in claim 63. Therefore, claim 63, and associated dependent claims 64-71, are not rendered obvious by Anderson in view of Yeh. Applicant respectfully requests that the Examiner withdraw the rejection of claims 63-71 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Yeh.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact William L. Jaffe at (714) 557-3800.

Respectfully submitted,

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